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Comments on the petition (R-08-0039) to amend Supreme Court Rule 123

Re Section (b):

A definition of *dissemination contract and disclaimer* ought to be added. Moreover, the reference to the phrase in section (j) includes "...containing provisions specified by the supreme court." It would seem wise to include those specifications in the rule.

(8) *Custodian of Bulk Data*: This definition is awkwardly worded, apparently only for syntactical consistency. I suggest the following revision:

In a superior court or appellate court, "custodian of bulk data" means, depending on local practice, either the clerk of court or the presiding judge. In a justice of the peace or municipal court, the custodian is the presiding judge.

Re Section (c) General Provisions:

Sub-section (6) includes, at line 5, the word *political*. This inclusion seems unwarranted, as it opens the door to virtually any fishing expedition that any political operative (affiliated with any private organization) wishes to undertake, putting the court on the defensive even when a denial is justified.

Re Section (f) Access to Records in Paper Medium:

In sub-section (5) (A), I suggest the following changes to line 1:

*Any applicant who is denied the **ability** to inspect, receive copies **of** or access any....*

I do not like the connotation that a legitimate, well-thought-out denial is an attempt to deny any person's *right* to documents or information. Rather, the custodian is saying that, under specific circumstances, he or she is denying the requestor the ability to have the information.

Re Section (h) (5):

At (A), I believe the word at the end of line 1 should be *case*, not *court*, because *court record* has a much broader connotation and the intent of the section seems to focus on case filings.

At (B), in the last phrase, for better clarity, I would replace the word *more* with *later*, so that the phrase would read, "...not later than ten business days...."

Also, there appears to be no provision for how quickly a correction needs to be made. Perhaps there should be.

Re Section (j) Bulk or Compiled Data Dissemination in Bulk:

Subsection (2) makes reference to section (h)(4)(A), a section I could not locate.

Subsection (4) is awkwardly worded. I suggest the following:

Dissemination of bulk or compiled data is not permitted except as provided in this rule or as permitted by court order.

It seems there should be a provision in the rule that requires any recipient of court data or information who further disseminates that information also to pass on any qualifications, explanations or caveats that the court has included in its provision of the information to the original requestor. Without such a requirement, a "secondary user" of the information may misinterpret it with potential adverse consequences.